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Attorneys for Defendant County of Alameda

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT

Case No.: C08-01803 JSW

Plaintiff,

vs.

DEFENDANT COUNTY OF ALAMEDA'S  
REPLY TO PLAINTIFF'S OBJECTION AND  
OPPOSITION TO MOTION TO DISMISS  
PURSUANT TO FRCP 12(B)(6)

DEPUTY SHERIFF JEAN ZEDLITZ, BADGE  
#1625; R. LANCE & SON TOWING STORAGE  
AGENCY; CITY OF DUBLIN; COUNTY OF  
ALAMEDA, CREDIT REGULATING SERVICES;  
10 UNNAMED DEFENDANTS

Date: August 29, 2008  
Time: 9:00 a.m.  
Courtroom: 2  
Judge: Jeffrey S. White

Defendant.

COMES NOW Defendants DEPUTY SHERIFF JEAN ZEDLITZ, BADGE #1625; CITY  
OF DUBLIN; COUNTY OF ALAMEDA, ("County Defendants") by and through the Office of  
County Counsel and in accordance with the Order of this Court, hereby submits our Reply to  
Plaintiff WILLIAM J. WHITSITT's, OBJECTION AND OPPOSITION TO MOTION TO  
DISMISS PURSUANT TO FRCP 12(B)(6). ("Opposition.")

Plaintiff WILLIAM WHITSITT ("Plaintiff") has brought four separate lawsuits, serving  
three, for damages he says are arising out of the same series of events, to wit that he was  
pulled over while driving his Dodge Powerwagon ("Vehicle") by Dublin Police Services, and  
subsequently arrested for driving without a license. In connection with the arrest, the Vehicle  
was towed.

1 Plaintiff's voluminous and scattered nontraditional filings allege that the arrest, towing,  
2 and storage of the vehicle were wrongful under Plaintiff's implied understanding of the law.  
3 Plaintiff's Opposition is non-responsive to the legal arguments raised in County Defendants'  
4 Motion to Dismiss. Plaintiff has failed to provide a short plain statement of a claim upon which  
5 relief may be granted. FRCP, rule 8(a)(2). Instead, the 31 page Opposition brief simply  
6 restates unintelligible arguments flowing from Plaintiff's belief that he has an unalienable right  
7 to drive without a license, as set forth in Plaintiff's Original Complaint. Thus, County  
8 Defendants are unable to respond without undue prejudice. Therefore, this Court should grant  
9 our Motion to Dismiss for failure to state a claim upon which relief can be granted.

10  
11 DATED: *Aug. 22, 2008*

RICHARD E. WINNIE  
County Counsel in and for the County of  
Alameda, State of California

12  
13  
14 By 

DIANE C. GRAYDON  
Deputy County Counsel  
Attorneys for Defendants

DECLARATION OF SERVICE

William J. Whitsitt v. Zedlitz

Case No. C08-01803 JSW

I, Sandra Walker, declare that:

I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

On August 25, 2008, I served the following document:

**DEFENDANT COUNTY OF ALAMEDA'S REPLY TO PLAINTIFF'S OBJECTION AND  
OPPOSITION TO MOTION TO DISMISS PURSUANT TO FRCP (12)(b)(6)**

on the following parties:

William J. Whitsitt  
335 W. Clover Road  
Tracy, CA 95376

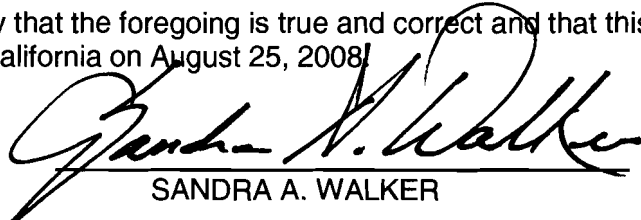
☒ BY MAIL: I caused true and correct copies of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) with postage thereon fully prepaid, and I further caused said envelope(s) to be placed in the United States mail, in the City of Oakland, California.

☐ BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile transmission to the office(s) of the addressee(s).

☐ BY PERSONAL SERVICE: I caused true and correct copy (or copies) of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).

☐ BY FEDERAL EXPRESS: I caused true and correct copy (or copies) of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered to Federal Express for overnight courier service to the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on August 25, 2008.

  
SANDRA A. WALKER